

pranschke.james_060408.txt
 00001
 1 UNITED STATES DISTRICT COURT
 2 EASTERN DISTRICT OF MICHIGAN
 3 SOUTHERN DIVISION
 4
 5 EQUAL EMPLOYMENT OPPORTUNITY
 6 COMMISSION
 7 Plaintiff,
 8 vs.
 9 HOSANNA TABOR EVANGELICAL
 10 LUTHERAN CHURCH AND SCHOOL,
 11 Defendant.
 12 and
 13 CHERYL PERICH,
 14 Plaintiff/intervenor,
 15 vs.
 16 HOSANNA TABOR EVANGELICAL
 17 LUTHERAN CHURCH AND SCHOOL,
 18 Defendant.
 19
 20
 21
 22
 23
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00002
 1 The Deposition of JAMES EDWARD PRANSCHKE,
 2 Taken at 477 Michigan Avenue,
 3 Detroit, Michigan,
 4 Commencing at 2:21 p.m.,
 5 Wednesday, June 4, 2008,
 6 Before Jodi L. Jones, CSR-6591.
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00003
 1 APPEARANCES:
 2
 3 OMAR WEAVER
 4 Equal Employment Opportunity Commission
 5 477 Michigan Avenue
 6 865 McNamara Building
 7 Detroit, Michigan 48226
 8 (313) 226-4600

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9
 10 Appearings on behalf of Plaintiff.
 11 JAMES E. ROACH
 12 Vercruyse, Murray & Calzone, P.C.
 13 31780 Telegraph Road
 14 Suite 200
 15 Birmingham, Michigan 48025
 16 (248) 540-8019
 17 Appearings on behalf of Plaintiff/intervenor.
 18
 19 DEANO C. WARE
 20 26677 W. Twelve Mile Road
 21 Southfield, Michigan 48034
 22 (248) 386-9985
 23 Appearings on behalf of Defendants.
 24
 25 ALSO PRESENT: Cheryl Perich.

00004
 1 Detroit, Michigan
 2 Wednesday, June 4, 2008
 3 2:21 p.m.

4
 5 JAMES EDWARD PRANSCHKE
 6 was thereupon called as a witness herein, and after
 7 having first been duly sworn to testify to the truth,
 8 the whole truth and nothing but the truth, was
 9 examined and testified as follows:

10 BY MR. WEAVER:
 11 Good afternoon. Mr. Pranschke, my name is Omar
 12 Weaver. I represent the Equal Employment Opportunity
 13 Commission in this case. Let me start by asking you
 14 if you've ever had your deposition taken before.
 15 A. Yes, I've given deposition before.
 16 Q. Okay. Most recently when was the last time you've had
 17 that happen?
 18 A. Fall of last year, September, October.
 19 Q. Okay. Let me just remind you of a few essential rules
 20 for both of us as we go through this process. First
 21 and foremost, the court reporter is taking down
 22 everything that we are saying so it's important to
 23 speak clearly and answer verbally, yes or no, as
 24 opposed to other gestures that may not be as clear.

25
 00005
 1 A. Okay.
 2 Q. Secondly, we shouldn't talk over each other. You
 3 should wait until I finish a question before you give
 4 your answer and I'll wait until you are done answering
 5 before I ask the next question.
 6 A. Okay.
 7 Q. And finally, if you don't understand a question, just
 8 let me know. I'll be happy to repeat it, okay?
 9 A. Okay.
 10 MR. WEAVER: And the only thing I'd add is this
 11 isn't a guessing exercise, so if you don't know the
 12 answer to a question, say I don't know.
 13 THE WITNESS: Okay.
 14 MR. WEAVER: If you are speculating or trying
 15 to remember, then just preface your answer with, you
 16 know, I'm trying to remember or I can speculate.
 17 THE WITNESS: Okay.

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00008
 1 the board of directors meetings to provide leadership.
 2 Q. Okay.
 3 A. But I -- I have my hands in a lot of different things.
 4 You mentioned the board of directors. Is that a
 5 separate body from the board of education?
 6 A. Yes.
 7 Q. As congregation president are you yet and still
 8 a member of the school board even though you are
 9 president of the congregation?
 10 A. I'm ex-officio member of every board, but I don't
 11 typically attend most board meetings; although, I have
 12 been recently because our pastor has left. We don't
 13 currently have a pastor and I've been kind of trying
 14 to fill his role in the board meetings. So that's
 15 been since November my pastor left.
 16 Q. Okay. My understanding is that the members of the
 17 board of education are essentially volunteers; is
 18 that --
 19 A. Yes. We are all volunteers.
 20 Q. Okay.
 21 A. No one is paid.
 22 Q. Okay.
 23 A. The principal is -- I think he or she is an ex-officio
 24 member of the school board, so they do not -- they
 25 don't get a vote but they come to the -- to the

00009
 1 meetings.
 2 Q. Okay.
 3 MR. WEAVER: Can we mark that please?
 4 MARKED BY THE REPORTER
 5 DEPOSITION EXHIBIT NUMBER 1
 6 2:32 p.m.

7 BY MR. WEAVER:
 8 Q. I'm showing you what's been marked as Exhibit 1, which
 9 for the record is Hosanna Tabor's answers to the first
 10 set of interrogatories. I just want to direct your
 11 attention to interrogatory number one, which requests
 12 a list of the individuals who served on the board
 13 between August 2004 and June 2005. Do you see where I
 14 am?
 15 A. Yes, I do.
 16 Q. Okay.
 17 A. It lists my name, but that is incorrect.
 18 Q. What is incorrect about it?
 19 A. I'm not a full member. I'm an ex-officio member.
 20 Q. Okay. And you mentioned the principal was also an
 21 ex-officio member?
 22 A. Correct.
 23 Q. And at the time that was Stacey Hoeft?
 24 A. That's correct.
 25 Q. Okay. And with respect to the other people listed

00010
 1 there, to your knowledge were they all members at that
 2 time?
 3 A. I -- I do not remember that far back. I know they
 4 have all been involved with the school board, whether
 5 they were members -- the school board is -- kind of
 6 fluctuates, so there are members that come and go
 7 pretty fluidly.
 8 Q. Okay. Can you think of anyone who may have been a

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00006
 1 A. It will be 20 -- 28 this November.
 2 Q. Do you have any children?
 3 A. I have one child, yes.
 4 Q. Are you employed now?
 5 A. I am.
 6 Q. Where are you working?
 7 A. I work at Blue Cross Blue Shield of Michigan.
 8 Q. Mr. Pranschke, have you done anything today to -- have
 9 you done anything to prepare for your deposition
 10 today?
 11 A. I talked with Deano for a few minutes before -- before
 12 we came in and I read some documents that my legal
 13 staff gave me when I was doing my other deposition.
 14 Q. Your other deposition?
 15 A. The deposition I gave back in September.
 16 Q. Okay.
 17 A. That was a suit involving Blue Cross Blue Shield.
 18 Q. And what documents in particular did you review?
 19 A. Just how to -- how to answer questions, tell the
 20 truth, be direct, that type of thing.
 21 Q. Are you currently a member of Hosanna Tabor Lutheran
 22 Church?
 23 A. Yes, I am.
 24 Q. How long have you belonged to the church?
 25 A. My entire life. 53 years.

00007
 1 Q. Does your wife also belong to the church?
 2 A. Yes, she does.
 3 Q. And my understanding is that there is also a school?
 4 A. Hosanna Tabor is not only a church but it's also a
 5 Lutheran school.
 6 A. It's one of our missions is a Lutheran school, yes.
 7 Q. And is that through grades K through 8 or
 8 A. We start with preschool, three and four. Preschool
 9 through grade eight.
 10 Q. Okay. Have you -- can you just tell me all of the
 11 positions of service you've had for either the church
 12 or the school? Well, let me qualify because you've
 13 been there for quite some time. I would say probably
 14 within the last five years.
 15 A. The only position I've had in the last five years,
 16 I've been president of the congregation. Well, I
 17 used to do the budget, school and help with -- I
 18 mean, I'm involved in a lot of different things, but
 19 official position is president.
 20 Q. Okay. And you are going to have to just briefly
 21 educate me a little bit.
 22 A. Okay.
 23 Q. What do you do as president of the congregation?
 24 A. Just about everything -- no. Official duties are to
 25 preside over the -- the congregational meetings and

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 9 member who is not listed in number -- in item one of
 10 this interrogatory at the time, 2004-2005?
 11 A. No, I don't know of anyone else.
 12 Q. I may have asked you this already, but are you
 13 currently still president of the congregation?
 14 A. Yes, I am.
 15 Q. Okay. Who are the current members of the board? The
 16 school board, I'm sorry.
 17 A. Oh, school board. Okay. The chairman is Janeen
 18 Rotta, the secretary is Judy Johnston, and I don't
 19 know if the other ones on the board if they have a
 20 specific function that they do. Lisa Reardon, Tracy
 21 Mosure, Sandy Bryer, those are the members.
 22 Q. Okay.
 23 A. And then David Cusick, our principal, is ex-officio. Is
 24 that five? Janeen -- one, two, three, four, five,
 25 yeah.

00011 Q. How often does the school board meet?
 1 A. Typically once a month depending if they have --
 2 they've been meeting more regular, they are reviewing
 3 some handbook or something, I don't know, but
 4 typically once a month. And maybe -- maybe not in the
 5 summer.
 6 Q. Okay.
 7 A. Again, I don't attend the meetings so I don't know for
 8 sure.
 9 Q. Okay. Can you tell me your -- even though you don't
 10 attend meetings, to the best of your knowledge what is
 11 the purpose or function of the board of education?
 12 You mentioned a minute ago the review of handbook.
 13 A. To review handbooks, to set policy, that type of
 14 thing. It'd be more policy related to the children
 15 and the operation of the school. They also offer
 16 contracts when we -- when we do a contract to the --
 17 to the teachers.
 18 We have -- we have two types of teachers,
 19 call teachers and contract teachers. The call
 20 teachers, the school board is not -- cannot call
 21 somebody. The congregation as a whole calls our
 22 teachers.
 23 Q. Okay.
 24 A. So they would go through the process and review and

00012 Q. recommend to the board of directors who would then
 1 take it to the congregation.
 2 I'm confused. You said the congregation reviews the
 3 calls and what they make the recommendations to the
 4 board of directors?
 5 A. No, no. The school board or -- or a call committee.
 6 Q. Okay.
 7 A. Most often made up a lot of members of the school
 8 board, they may have like other members. If we're in
 9 need of a teacher and we want to call somebody, they
 10 would review a list that they would get from our
 11 district.
 12 Q. Right.
 13 A. D interviews and that kind of thing, and then make a
 14 recommendation. There might be -- typically there is
 15 more than one when it gets to the congregation, so
 16 there is a choice to be made. And then the

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 18 congregation in a meeting would -- would listen to the
 19 recommendation from the school board and -- or no
 20 recommendation, might -- and vote to call it, call a
 21 certain teacher.
 22 Q. Okay. And so that I'm clear, does the board of
 23 directors have a role in that or no?
 24 A. Kind of as a sounding board for the school board. The
 25 school board would bring it to the board of directors.

00013 Q. Okay.
 1 A. And then my role as president, I would call a
 2 special -- special meeting, or if it happened to
 3 fall -- we have three regular meetings a year. If it
 4 happened to fall at the right time, we would just have
 5 it at our regular meeting.
 6 Q. Okay.
 7 A. The call process.
 8 Q. And so going back to the contract teachers, the board
 9 can independently offer contract to a contract
 10 teacher?
 11 A. Within budget constraints.
 12 Q. Right. Got it.
 13 A. So if we have budgeted for a teacher and there is an
 14 opening, typically the process, they typically like to
 15 hire syndically trained teachers who would then be
 16 called, okay?
 17 Q. Right.
 18 A. If they are not available then they would -- or if the
 19 time was short, they would, you know, look for
 20 another -- another teacher and they would offer a
 21 contract, again, within budget constraints. Anything
 22 that increases our budget needs to go to the
 23 congregation.
 24 Q. Okay. Okay. To the best of your knowledge are call

00014 Q. teachers employed by both Hosanna Tabor and the
 1 Michigan District of the --
 2 A. No. Just Hosanna Tabor.
 3 Q. Okay. Then just -- they just become eligible --
 4 A. They become eligible for a call through being
 5 syndically trained and being on -- what's called
 6 being on the roster of the Lutheran Church of Missouri
 7 Senate.
 8 Q. Okay.
 9 A. So the Lutheran Church of Missouri Senate has -- has,
 10 you know, stated that these people are eligible for
 11 call.
 12 Q. Okay.
 13 A. You understand the three bodies here, the senate
 14 versus the district versus the church?
 15 Q. Yes.
 16 A. Okay.
 17 Q. So far.
 18 A. Okay.
 19 Q. Okay.
 20 A. Okay. I just want to make sure I understand something
 21 about the congregation. The -- with respect to the
 22 body that votes on, for example, bringing in a call
 23 teacher or some other matter, is that -- I'm assuming
 24 that consists of just certain members empowered to
 25 vote versus the entire congregation or is that --

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 1 A. Every member 18 and older is eligible to be a voting
 2 member.
 3 Q. Okay.
 4 A. In order to be a voting member you have to attend a
 5 regular congregational meeting. So we accept -- we
 6 accept new members to the -- to the voting assembly at
 7 regular meetings. If it is a special meeting, that's
 8 not -- that's not all. We cannot accept new
 9 members at a special meeting. A special meeting has
 10 to be just what it is called for.
 11 A. And special meetings just occur as situations might
 12 arise, yes.
 13 Q. Okay. Can you tell me what, if any, process occurs
 14 with respect to interaction between the school board
 15 and the congregation when you want to remove a called
 16 teacher or essentially terminate that person's
 17 employment?
 18 A. The school board or any -- actually anybody, the
 19 school board or board of directors or even district
 20 could bring information to the congregation that would
 21 show cause for rescinding a call. That's the
 22 terminology. You know, so whatever you know,
 23 situation would arise that would require that
 24 recommendation to be made. And then the congregation,

00016 Q. because they have issued the call, they are the only
 1 ones that can rescind a call.
 2 A. Okay. Okay. I'm assuming you know Cheryl Perich?
 3 Q. Okay. And she used to teach for Hosanna Tabor,
 4 correct?
 5 A. Correct.
 6 Q. I'm representing to you that the last school year she
 7 worked was 2003 through 2004, is that -- would you
 8 dispute that?
 9 A. I -- I don't remember what year it would be.
 10 Q. Okay. Is it your understanding that in the fall of
 11 2005 she was on a disability?
 12 A. I knew she was on a disability. I wouldn't -- I
 13 couldn't remember the exact time of that, but it was
 14 the fall before all this transpired.
 15 Q. Okay. And do you have any knowledge or any idea
 16 whatsoever how long she was on a disability leave?
 17 A. I think it was at least -- at least six months.
 18 Q. You mean six months before making an attempt to return
 19 to work? I just want to clarify that.
 20 A. She was out of the classroom six months when the
 21 school board was taking action to -- to put in
 22 another -- in another teacher.
 23 Q. Okay.

00017 Q. Prior to that they were combining classrooms and that
 1 was not working out very well.
 2 A. Did you become aware at any time during the school
 3 year 2004-2005 that Ms. Perich had been diagnosed with
 4 narcolepsy?
 5 A. Somewhere in that period, yeah, I attended a school
 6 board meeting and became aware of that. Although, I
 7 think there was -- was diagnosis and new diagnosis and

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 9 it seemed like we were unclear exactly what -- what
 10 condition she was being treated for. Or at least I am
 11 unclear.
 12 Q. Okay.
 13 A. I seemed like it started with one thing and then went
 14 to another thing and they were -- trying to rule out
 15 things. And again, I didn't follow it real closely so
 16 I don't -- I don't know.
 17 Q. Okay. But what I was all said and done, the last
 18 condition that she had been diagnosed with, that was
 19 narcolepsy, nothing else came up after that?
 20 A. MR. WARE: Well, if you know.
 21 Q. I don't know.
 22 BY MR. WEAVER:
 23 Q. You know how to say you don't know if you don't know,
 24 right?
 25 A. Correct.

00018 Q. All right, thanks. MR. WARE: And I know how to ask him if he
 1 knows.
 2 MR. WEAVER: You can't do that. He -- you
 3 said at the very beginning of the deposition that he
 4 shouldn't answer a question if he doesn't know.
 5 MR. WARE: Then I'll just say objection and
 6 I'll ask it anyway, which I can do.
 7 MR. ROACH: Well, that's not an evidentiary
 8 objection --
 9 MR. WARE: Well, we won't determine that, the
 10 judge will determine that.
 11 MR. ROACH: An evidentiary objection.
 12 MR. WARE: That's what I'm doing. Now, it's
 13 not for you to tell me whether it is or not. If I
 14 consider it an evidentiary objection, I'm going to
 15 make it and preserve it.
 16 MR. WARE: You didn't make an objection.
 17 You coached him before he answered.
 18 MR. WARE: I'm telling you I'll call an
 19 objection.
 20 MR. WEAVER: Then object.
 21 MR. WARE: That's what I'll do then. I mean,
 22 it depends on -- people do it differently. If you
 23 want to be formal, I'll just say objection.
 24

00019 Q. MR. WEAVER: Can you read back the last
 1 question and full answer, please?
 2 (The requested portion of the record was read
 3 by the reporter.)
 4 BY MR. WEAVER:
 5 Q. Okay. And you mentioned that it came -- there was a
 6 discussion at a board meeting. Are you referring to a
 7 board meeting that took place before the board met
 8 with Ms. Perich in February of 2004? In other words,
 9 was she at that meeting or was this at some meeting
 10 before?
 11 A. I don't remember the details of that. I know there
 12 were a couple of meetings that I attended and Ms.
 13 Perich was at -- was at one of them.
 14 Q. Okay. Do you -- can you tell me who shared with the
 15 board her diagnosis of narcolepsy?
 16 A. I would -- I don't know for sure. I would speculate

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18 Q. It was Mrs. Hoeft.
 19 Q. Okay. To the best of your understanding as a lay
 20 person do you know what kind of condition that
 21 narcolepsy involves or what kind of disorder it might
 22 be?
 23 BY MR. WEAVER: Objection. Calls for speculation.
 24 Q. Go ahead, you can answer it just based on your
 25
 00020 1 understanding generally as a lay person.
 2 A. My understanding is that the person falls asleep at --
 3 whenever and not -- not anything to do with lack of
 4 sleep or whatever.
 5 Q. Okay.
 6 MARKED BY THE REPORTER
 7 DEPOSITION EXHIBIT NUMBER 2
 8 2:56 p.m.
 9 BY MR. WEAVER:
 10 Q. Okay. Mr. Pranschke, I'll just show you what's been
 11 marked as Exhibit 2.
 12 MR. WEAVER: As an objection can you show me
 13 what you are showing him before you give it to him?
 14 MR. WEAVER: Yeah. Sorry about that. Here.
 15 MR. WEAVER: Thank you.
 16 BY MR. WEAVER:
 17 Q. First, have you seen this recently? For example,
 18 before your deposition?
 19 A. No, I did not.
 20 Q. Okay.
 21 A. Well, I have seen this before. Not recently.
 22 Q. Do you think you may have seen it during the
 23 EEOC's investigation process or anything like that?
 24 A. No.
 25 Q. Okay. And for the record, you are looking at meeting

00021 1 minutes from the shareholder meeting that occurred on
 2 January 30th, 2005?
 3 A. Yes.
 4 Q. And just for clarification purposes, is the
 5 shareholder meeting a congregation meeting?
 6 A. Yes.
 7 Q. Okay. That's just another terminology for it?
 8 A. It's our -- it's our once a year meeting that is
 9 supposed to resemble a shareholder meeting.
 10 Q. Okay.
 11 A. It is the one we typically talk about goals.
 12 Q. And you can -- at this shareholder meeting do you also
 13 maybe review any matters or issues regarding the
 14 personnel of the church, the members?
 15 A. We could -- we could issue calls at that time.
 16 Q. Okay.
 17 A. There might be reports from, you know, various bodies
 18 talking about hiring situations and that kind of
 19 thing.
 20 Q. Okay. I want to just direct your attention to the
 21 second page of Exhibit 2, item number 12, which starts
 22 proposals concerning our disabled employees and then
 23 in parentheses it says refer to attachment. And then
 24 the following page there is a proposed policy list of
 25 signatures of attendees and then it looks like what is

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9 we have had teachers ask for a release if their call
 10 with the idea that they would become a contract
 11 teacher. There are -- there are -- there are benefits
 12 to being a call teacher. One of them is that you get
 13 to have a portion of your -- of your salary designated
 14 as a housing allowance and that housing allowance is
 15 not taxed.
 16 So if, you know, the teacher was making
 17 \$30,000 and could not justify a housing allowance of
 18 \$20,000, they would only be taxed on 10. But on
 19 the flip side of that, then they are considered
 20 self -- a self-employed individual as far as the IRS
 21 is concerned and therefore they have to pay their own
 22 Social Security tax and Medicare tax.
 23 Q. Okay. And but -- in this particular -- with respect
 24 to Ms. Perich, the -- the school was not seeking to
 25 convert her from a call teacher to a contract teacher,

00025 1 was it?
 2 A. No, it was not.
 3 Q. And I'm going to go five bullet points down under the
 4 alternative proposal that we're looking at in Exhibit
 5 2 which states school administrator and school board
 6 feels it is very unlikely Ms. Perich would be
 7 physically capable to return to the classroom this
 8 year or next year. And just for clarification
 9 purposes, the school administrator would be Ms. Hoeft?
 10 A. That's correct.
 11 Q. And was -- were there meetings before the shareholder
 12 meeting in which this consensus was discussed about
 13 Ms. Perich's ability to return?
 14 A. I -- I assume so. I don't -- I mean, I was at
 15 meetings but I can't remember exactly the position of
 16 when -- it seems that we would not have put this
 17 proposal together without having, you know, been to
 18 the school board meetings where this was discussed.
 19 Q. Okay. And given your -- that you are part of the
 20 group of people who are presenting this proposal, were
 21 you involved in sharing this opinion that she wasn't
 22 fit to come back in the school year -- in the current
 23 school year or the following school year?
 24 A. I was there. I don't know that I rendered an opinion.
 25 Q.

00026 1 I did not have any interaction with Ms. Perich.
 2 Q. Okay. But is it fair to say that given what's stated
 3 here in Exhibit 2 that that was the position of the
 4 board at that time?
 5 A. Yes.
 6 Q. And then the next point down it states it's important
 7 to the school's operation that Ms. Perich ask for a
 8 peaceful release from her call to facilitate a search
 9 for replacement. Were you looking for a contract
 10 employee to replace her or another called teacher?
 11 A. I believe in the middle of the year it would most
 12 likely be a contract teacher.
 13 Q. Okay. And what about the following year?
 14 A. I -- I have no idea what -- what the plan was. If
 15 they were -- typically when they hire a contract
 16 teacher, if that teacher is working out well, they
 17 would continue that relationship.

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00022 1 headed options concerning medical benefits for Pastor
 2 Eggers and Ms. Perich on the following page.
 3 A. Yes.
 4 Q. Do you see where I am?
 5 A. Uh-huh.
 6 Q. Okay. These last two pages, is it your understanding
 7 that these last two pages are the attachments to the
 8 meeting minutes?
 9 A. Yes.
 10 Q. Okay. Okay. And with respect to Ms. Perich and item
 11 C, on page two it states option two is approved by a
 12 majority vote 35 to 8. The timeline will be
 13 established by the school board at their next meeting
 14 in February. And I'm just going to go to the
 15 attachment that refers to option two and I think
 16 that's the last page.
 17 A. Okay.
 18 Q. Okay. Option two references a proposal presented by
 19 yourself and Mr. Salo, chair of the school board and
 20 Bob -- is it Cochran?
 21 A. Cochran, yes.
 22 Q. Chair of the board of elders?
 23 A. Yes.
 24 Q. At that time did you have a proposal in writing at
 25 this meeting?

00023 1 This is it.
 2 Q. Okay. This is it, the attachment?
 3 A. Correct.
 4 Q. Okay. And tell me what was it that you were proposing
 5 at this meeting with respect to Ms. Perich?
 6 A. The proposal was to in -- in -- in return for premium
 7 payments of her medical premium. It seems like that's
 8 all. That in return for that, she would give peaceful
 9 release from her call.
 10 Q. Okay. There are two ways typically that a call is
 11 terminated. It's either a person who has been called
 12 asks to be -- have a peaceful release or this other
 13 process that we talked about earlier where the
 14 congregation would rescind a call.
 15 A. Okay.
 16 A. But even with a peaceful release, the congregation has
 17 to act and grant peaceful release.
 18 Q. Okay. So in exchange for coverage of medical benefits
 19 through the end of the calendar year, the proposal was
 20 that Ms. Perich give a peaceful release of her call?
 21 A. Correct.
 22 Q. Is that essentially a resignation?
 23 A. Pretty much, yes.
 24 Q. And when a call teacher gives a peaceful release of
 25 her call, it wouldn't be expected for her to -- him or

00024 1 her to return the following school year to that same
 2 school?
 3 Q. BY MR. WEAVER: Objection, leading.
 4 A. Go ahead.
 5 Q. I'm sorry, am I supposed to answer or not?
 6 A. I'm sorry, go ahead.
 7 Q. Yes, go ahead.
 8 A. No, not always. Is that -- is that the situation --

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18 Q. Okay.
 19 A. And -- but typically when they are looking for -- for
 20 a replacement teacher they would attempt to do a --
 21 But you guess -- okay. Given what's stated here
 22 though, it was not the intent -- the intent was not
 23 for Ms. Perich to return the following school year?
 24 A. That is correct.
 25 Q. And what was the reason for this proposal being

00027 1 presented at the shareholder meeting?
 2 A. Well, as stated in the last one we wanted to do a --
 3 a -- have a replacement teacher.
 4 Q. I understand that.
 5 A. So we could continue --
 6 Q. Okay.
 7 A. -- with the operation of the school.
 8 Q. Okay. Specifically why it was the -- to the
 9 incorporation of the board that she was physically
 10 incapable of returning?
 11 A. Just the rumors from doctors and -- and her own
 12 personal e-mails and communication.
 13 Q. So this determination was based in part on some of the
 14 e-mail that may have been exchanged between Ms. Perich
 15 and Ms. Hoeft?
 16 A. I believe so, yes.
 17 Q. And would those e-mail also -- well, let me back up a
 18 minute. You also said that it was based on reports
 19 from doctors. What physicians in particular are
 20 you --
 21 A. No, I'm not -- I'm not -- let me -- let me rephrase
 22 that. It might -- it might have been just reports
 23 from the doctors contained in the e-mails. I don't --
 24 I don't remember for sure if we actually saw a
 25 doctor's report or how the -- how the -- if Stacey was

00028 1 just reporting what she knew.
 2 Q. And was -- when you say Stacey you mean Ms. Hoeft?
 3 A. Mrs. Hoeft, I'm sorry.
 4 Q. Was she also reporting what she knew about Ms.
 5 Perich having the condition of narcolepsy or passing
 6 out or anything like that, was she sharing that
 7 with
 8 A. She was sharing that, yes.
 9 Q. Okay. But just so we're clear, you are not saying
 10 this determination was made because you actually saw
 11 any of Ms. Perich's medical records, it was just from
 12 what was shared by Ms. Hoeft and those communications
 13 with Ms. Perich?
 14 A. I can't honestly remember what I -- what I saw.
 15 Q. Okay. I guess I just -- you mentioned a minute ago
 16 that you wanted to retract from saying that you saw
 17 doctor's reports.
 18 A. Yeah, I'm not positive that I saw doctor's reports.
 19 Q. Okay.
 20 A. So it may have been Mrs. Hoeft's report. Yeah, I
 21 can't remember --
 22 Q. Okay.
 23 A. -- if I saw an actual doctor's report.
 24 Q. Okay. You don't have a medical background, correct?
 25 A. I do not.

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00029
1 Q. So you wouldn't be able to look at doctor's reports
2 and form a -- at least in part a determination if
3 she's physically capable of returning to work?
4 A. No.
5 Q. Okay. That's all I want to do is just make -- get
6 that clear. Have you seen -- did Ms. Hoefl share any
7 e-mail with you or the board between she and Ms.
8 Perich?
9 A. Yes.
10 Q. Okay. Did she give you copies of those e-mails?
11 A. I can't -- I can't remember for sure if -- if I
12 received a copy or -- I know it was discussed at the
13 school board.
14 Q. Okay, that's fair. But at least some of those e-mail
15 referenced Ms. Perich's condition?
16 A. Yes.
17 Q. Okay. You mentioned that the board met with Ms.
18 Perich. I'm going to represent to you that the
19 documents reflect or at least -- why don't I just
20 help you out by showing you something.
21 MARKED BY THE REPORTER
22 DEPOSITION EXHIBIT NUMBER 3
23 3:17 p.m.
24 BY MR. WEAVER:
25 Q. Okay. Mr. Pranschke, I'm showing you what's been

marked as Exhibit 3. And to the best of my understanding that is a timeline of sorts prepared by Stacey Hoefl during the EEOC investigation and submitted to my agency while the investigation was pending. I know it's pretty lengthy and I'm not going to ask you about a lot of what's represented here, but I want to, just so you are comfortable with this, direct you to the fourth page and it's the largest paragraph on the fourth page with a date of February 13th, 2005 as an entry.
11 A. Okay.
12 Q. And it states the school board president, Jim Pranschke, and principal Stacey Hoefl met with Ms. Perich to discuss her employment status. Does that sound like the date that the meeting may have taken place?
13 A. Yes.
14 Q. Okay.
15 MR. WARE: Well, I'm going to object to the term the meeting because your line of questioning was with regards to a meeting before the voter's meeting, which occurred on January 30th. This meeting you are referring to is dated February 13th.
16 MR. WEAVER: I'm actually on another topic.
17 I'm past the January 30th meeting.

00031
1 MR. WARE: Okay. Well, I'm just saying for clarification, the meeting, I'm not exactly -- there
2 was a lot of meetings, so what I'm saying is the
3 question is vague as in the meeting.
4 MR. WEAVER: Okay. Even though I did mention
5 the date February 13th, 2005.
6 MR. WARE: I'm just saying this meeting,
7 that's different than the meeting.

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9 MR. WEAVER: Okay.
10 MR. WARE: Is that the date that this meeting
11 would have occurred.
12 MR. WEAVER: Okay. That's fair.
13 A. This actually is the meeting I believe in response to
14 the shareholder meeting on January 30th.
15 BY MR. WEAVER:
16 Q. Okay.
17 A. Then -- then Ms. Perich was -- was presented with the
18 outcome of -- of the congregation's decision.
19 Q. Right.
20 A. And was presented with, you know, if you would give us
21 your peaceful release in return, so that I believe
22 is -- is a response of that offer and discussion.
23 Q. And at this -- and at this meeting on February 13th,
24 2005, that offer was made to her.
25 A. No. I believe it -- I'm not positive, but I believe

it would have been done prior to that.
1 Q. Okay.
2 A. And this would have been Ms. Perich's request to come
3 in and discuss, if I remember correctly.
4 Q. Okay. And during this meeting that the board had with
5 Ms. Perich, she presented a slip from her doctor
6 permitting her return to work?
7 A. I don't remember that detail.
8 Q. You don't remember whether or not she had a release
9 from her doctor to return to work?
10 A. That is correct. I know that at some time, at some
11 stage of the -- this period she -- she did
12 present that, but I don't -- I don't remember that it
13 was at this meeting.
14 Q. Okay. Did she at this meeting verbally indicate that
15 she was medically cleared to return to work and wished
16 to do so?
17 A. I don't -- I don't remember either.
18 Q. Okay. What was her response to the board's request
19 for a peaceful release of her call at that meeting?
20 A. I don't remember -- I don't remember that she -- it
21 doesn't state in here that she -- she rejected it.
22 Q. Right. Well --
23 A. So I don't remember that she rejected it, or I think
24 it was just, you know, go and think about it type of
25

00033
1 thing, so --
2 Q. What, that --
3 A. The school board asked Cheryl -- they reiterated the
4 offer and that she should consider that.
5 Q. Okay. And she had not given an answer at that meeting
6 at any time?
7 A. I don't remember.
8 Q. Okay. Well --
9 A. But, I mean, it seems from the verbiage here, it seems
10 like she did not accept the offer at the meeting. If
11 they were asking to have it -- have you reconsider it.
12 Q. Okay.
13 A. Whether she -- she rejected that offer, you know,
14 prior to this meeting and asked to, you know, address
15 the school board or whether she rejected it at this
16 meeting, I don't remember.
17 Q. Okay. During this meeting did Ms. Perich at least ask

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00036
1 present?
2 A. I was not.
3 Q. Okay. And so you have no personal knowledge as to
4 what actually happened?
5 A. That is correct.
6 Q. Okay. Who informed you or accused Ms. Perich of
7 causing disruption by reporting to work on the --
8 that morning?
9 A. Primarily Mrs. Hoefl.
10 Q. Okay.
11 A. I don't know if I had heard it from the secretary as
12 well.
13 Q. And who was the secretary at the time?
14 A. Rosemary Reschke.
15 Q. Reschke?
16 A. Reschke.
17 Q. Before Ms. Perich reported to work that day, do you
18 know whether or not she and Ms. Hoefl ever had any
19 conversations about other things she could do besides
20 teach for the remainder of the school year, given that
21 her position was being assumed contractually by
22 someone else?
23 A. I seem to remember that -- that coming up in -- in
24 some context. I know -- well, I was going to say I
25 know that we would not have offered it because we are

00037
1 not in a financial situation to pay people for work
2 that is not needed, if not -- I don't know the
3 detail of it, you know, if you know, how that -- how
4 they even came to discuss on -- how
5 Q. Okay. And did Ms. Hoefl by chance share with you
6 whether or not -- and I understand you are, you know,
7 that may not have necessarily been offered by the
8 board, but did Ms. Hoefl by chance share with you
9 whether or not she made representations to Ms. Perich
10 that possibly there were other things that she could
11 do the remainder of the school year?
12 A. I don't remember that -- that detail. I remember it
13 being discussed whether there were other things.
14 Whether Ms. Perich brought it up or Mrs. Hoefl, I
15 don't know.
16 Q. Okay.
17 A. Is it possible we could just take a short break?

18 Q. This is a good point if there are no objections.
19 MR. ROACH: That's fine.
20 MR. WARE: That's fine.
21 (Off the record at 3:34 p.m.)
22 (Back on the record at 3:46 p.m.)
23 BY MR. WEAVER:
24 Q. We were talking about your knowledge regarding the
25 date or the incident involving Ms. Perich returning or

00038
1 trying to report to work and I asked you a few
2 questions about what you believe transpired and I
3 guess it's understood that you weren't there and you
4 have no knowledge of what actually happened?
5 A. That's correct.
6 Q. Okay. But then I started to ask you about certain
7 things, whether or not Ms. Hoefl shared with you what
8 was said and what was done. I want to know whether or

Page 16

00034
1 narcolepsy?
2 A. I -- I don't remember that.
3 Q. Okay. So the way I -- if I understand your
4 testimony correctly, the -- she had not accepted the
5 board's offer but the board wanted her to consider --
6 to give it further consideration?
7 A. I believe that's true, yes.
8 Q. Okay. After the meeting that took place on February
9 13th, 2005, did you ever have a telephone conversation
10 with Ms. Perich further discussing the board's offer
11 or the board's request to receive a peaceful release
12 from her call?
13 A. I don't -- I don't remember.
14 Q. Okay.
15 A. We may have -- we may have talked, but I don't -- I
16 don't remember if I would have initiated that or if I
17 accepted a call from Cheryl.
18 Q. Well, let me throw another topic, another possible
19 topic of discussion. Did you ever have a telephone
20 conversation with Ms. Perich after the February 13th
21 meeting in which you suggested that she try to get her
22 disability status extended by her physician?
23 A. I don't -- I seem to remember having a phone
24 conversation with Ms. Perich. What -- what exactly
25 was the nature of it and, you know, what we discussed,

00035
1 I don't -- I don't remember.
2 Q. Okay. All right. And --
3 A. And, there again, I don't -- timing-wise I don't know
4 whether it was before the February 13th meeting,
5 after, or -- I don't remember any of the details of
6 when that was.
7 Q. Okay. At any time did you ever personally speak with
8 her and offer to get some monetary help for her or
9 some type of severance package in exchange for
10 peaceful release just in a conversation between the
11 two of you?
12 A. The only thing I remember is the -- the offer that was
13 made in the shareholder meeting. But again, I
14 don't -- I don't remember details of that phone
15 conversation.
16 Q. Was it brought to your attention after the February
17 13th meeting that Ms. Perich reported to work on
18 February 22nd, 2005?
19 A. I believe that she -- I don't know if that was the
20 date, but that she reported to work unannounced,
21 unexpected.
22 Q. Okay.
23 A. And created quite a disruption.
24 Q. Well, that was my -- actually my next topic. About
25 this disruption that you speak of, were you actually

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 9 not Ms. Hoeft shared with you that Ms. Perich's
 10 rationale for coming to work that day was to make sure
 11 she wouldn't be viewed as voluntary termination, did
 12 that come up at all?
 13 MR. WEAVER: I'm going to object to hearsay,
 14 which I think I understand and that is evidentiary,
 15 but since this is a deposition go ahead.
 16 A. I don't remember that being shared.
 17 BY MR. WEAVER:
 18 Q. Okay. I know you testified earlier that you don't
 19 recall whether or not Ms. Perich showed the board a
 20 note from her doctor clearing her return to work or
 21 verbally indicated that she was cleared to return to
 22 work, but nevertheless, I have to ask you this. If it
 23 turned out that Ms. Perich had been cleared to return
 24 to work, isn't there a provision in the handbook that
 25 states that if an employee does not return to work if
 they are cleared that it could be viewed as a
 voluntary termination?
 MR. WARE: Okay, I'm going to object as to
 if it turns out, which calls for a hypothetical.
 MR. WEAVER: Hypothetical is perfectly
 legitimate as long as they lead to the discovery of
 relevant evidence.
 MR. WARE: Okay, I'm going to object that
 the question calls for speculation as to if something
 is to happen if something else happened.
 MR. WEAVER: Well, that's my same response.

BY MR. WEAVER:
 Q. You can -- you can answer.
 MR. WARE: Well, it calls for speculation,
 so --
 BY MR. WEAVER:
 Q. You can answer.
 A. Okay. Would you restate the question?
 BY MR. WEAVER:
 Q. Sure. If it turns out that at the time Ms. Perich
 showed up to the school and made herself available for
 work, that she was actually medically cleared to
 return to work, given what's -- how do I say -- let me
 back up. If it turns out that she was actually
 cleared to return to work and she made herself
 available to return to work, would that be expected to
 avoid being deemed as someone who effectuated a
 voluntary termination under the handbook?
 A. Said a different way, if she was cleared to work and
 did not report to work, that would be deemed a
 voluntary termination.
 Q. Okay.
 A. Is that the gist of it?
 Q. Yes.
 A. I don't know. I don't know what the handbook states
 specifically.
 Q. Okay.
 A. It seems reasonable that would be the case, but I -- I
 don't know what the handbook says.
 Q. All right.
 MR. WEAVER: Can you mark this please?

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 cleared to return to work and she made herself
 available to return to work, would that be expected to
 avoid being deemed as someone who effectuated a
 voluntary termination under the handbook?
 A. Said a different way, if she was cleared to work and
 did not report to work, that would be deemed a
 voluntary termination.
 Q. Okay.
 A. Is that the gist of it?
 Q. Yes.
 A. I don't know. I don't know what the handbook states
 specifically.
 Q. Okay.
 A. It seems reasonable that would be the case, but I -- I
 don't know what the handbook says.
 Q. All right.
 MR. WEAVER: Can you mark this please?

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 MARKED BY THE REPORTER
 DEPOSITION EXHIBIT NUMBER 4
 3:51 p.m.
 BY MR. WEAVER:
 Q. You've been handed what's been marked as Exhibit 4 and
 I just want to direct your attention to the third page
 of this particular section of the employee handbook
 pertaining to benefits. The third page covers medical
 leave and in particular item number two at the top of
 the third page which states failure to return to work
 on the first day following the expiration of an
 approved leave of absence may be considered a
 voluntary termination. Usually --

A. I don't know that exactly addresses what your question
 was. I don't -- I mean, if leave of absence was
 approved and there was a return date in that leave of
 absence, that's -- that might be what this is speaking
 to.

Q. All right. And isn't it often the case that a leave
 of absence would expire and a return date would be
 attained through medical clearance of that employee?
 A. That would -- that would be reasonable, but if -- if
 medical clearance was given it seemed that there would
 be -- there would be notification prior to just
 showing up and that it would be -- it would be worked
 out between the administration and the teacher that
 they are coming back to work.

Q. Okay.
 A. And my understanding is that that did not happen. The
 school day had already started, we had a teacher in
 place and -- and basically Ms. Perich showed up and
 said I'm here to work.

Q. And when you speak of notification, are you referring
 to giving notification to the school that the employee
 has been medically cleared to come back?

A. That -- yeah, that would be that notification.
 Q. But again, going back to your testimony, you couldn't
 offer or had no recollection as to whether or not she
 attempted to notify the board of her clearance to
 return to work when she met with the board, is that --
 No, I don't. I don't know that.
 Q. And do you know whether or not Ms. Perich sent an
 e-mail to Stacey Hoeft the day before informing Ms.
 Hoeft that she decided not to give a voluntary release
 of her call and that she'd come to work the next day?
 A. I'm not aware of that, no.

Q. Okay.
 A. Although, let me think here. I seem to remember
 something about a late night e-mail that -- that was
 sent to the school along that regards.
 Q. Okay.
 A. I don't -- I mean, that's as much as I remember about
 it, but it was -- it was expressed to me that it
 was -- it was unexpected that -- when Cheryl arrived.
 Q. All right. I want to jump back to the first exhibit I
 gave you really quick. If you'll look at
 Interrogatory No. 3, it was asking for the approximate
 number of employees that were, you know, employed in

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 00043 the years 2005 through 2007 and I got an answer for
 1 2005, generally speaking. Can you shed some light on
 3 how many employees were working for Hosanna in 2006,
 4 both contract and call?
 5 A. Why it may be unclear is that somewhere in this time
 6 frame we -- we started a day care and employees of the
 7 day care came for brief periods, they were there for,
 8 you know, a month or so.
 9 Q. Okay.
 10 A. So how many -- how many were exactly on the payroll,
 11 we'd need to look at payroll records to see how many.
 12 Q. Okay.
 13 A. And then -- well, obviously subs don't count, but
 14 anyways that -- I'm not sure exactly when the day
 15 care started. It seems that fall of 2006 would be
 16 about right is when that -- is when our day care
 17 started. So, I mean, this information should be
 18 available. We have payroll records, so I don't -- I
 19 don't know why it wasn't provided.
 20 Q. Okay.
 21 A. And then we also had -- I mean, due to financial
 22 conditions where we're continually reducing --
 23 reducing our teaching staff, combining classrooms.
 24 For the most part during this time we have had a
 25 pastor. It wasn't until late last year that -- that

00044 we are without a pastor at all. And then teachers

right now we have -- we have six -- six teachers --
 actually we have seven teachers, one is
 not -- is not functioning full time as a teacher --
 Q. Okay.
 A. -- because we did not actually have a spot, so --
 Q. And right now teachers and staff included, how many
 people would you say you have employed?
 A. How many currently are employed?
 Q. Yeah.
 A. We have two custodial staff, part time custodial
 staff, three to six in the day care, again part time,
 two part time administrative staff, and then the seven
 teachers that we have and then our principal is -- is
 part time. We actually are sharing a principal with
 another Lutheran school. They have -- they have
 called him and we have -- we have made an arrangement
 with -- with that church to utilize his services on a
 part time basis.
 Q. Okay. So --
 A. So he's not -- he's not an employee and he's not --
 he's not technically a contract employee either, he's
 more of a I don't know.
 Q. Okay. So what I'm hearing -- so you can speak pretty
 much about what the current staff is made up of?

00045 A. Yes.
 Q. In 2006 and in 2007 there was some fluctuation in --
 in terms of how long people stayed, the duration of
 their employment?
 A. Nineteen actually seems large to me for 2005 because
 we -- we maybe had nine teachers and a pastor, three
 in the administrative office. See, and again, people
 come and go so it might have been 19 that we paid over

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 the course of the year.
 Q. Right.
 A. But not at any one time did we have -- I don't believe
 we had that many.
 Q. Okay. Okay. But bottom line, the payroll records
 will clear that up?
 A. Correct.
 Q. Can you tell me whether or not Hosanna has
 implemented any personnel policies that prohibit or
 address discrimination in the workplace? Anything
 like that in the handbook or elsewhere?
 A. The handbook is currently being reviewed, not too
 quickly, but it seems like we did make a change in the
 disability policy. Whether it -- it -- whether it
 deal with discrimination, I'm not -- I'm not sure.
 Q. Okay. All right. Have you trained the staff about
 any laws prohibiting discrimination in the

workplace or brought in a consultant --
 Q. -- or trainer or anything?
 A. I am -- I am not in the school. I don't -- I don't
 see what -- but I know that it was -- it was part of
 the agreement that we were, we're going to provide
 that training. I assume it -- it happened. I don't
 have firsthand knowledge.
 Q. The agreement? What agreement?

A. There was somewhere in this process we --
 Q. Oh, you mean the EEOC's conciliation agreement?
 A. Yes.
 Q. But you don't know if it has happened at this point?
 A. I don't have firsthand knowledge, no.
 Q. Okay. I'm going to stop here in the interest of time
 and I'll let Mr. Roach cover some things?
 A. MR. ROACH: Okay. Very good. Thank you.

BY MR. ROACH:
 Q. Mr. Pranschke, as I introduced myself earlier, my name
 is Jim Roach, the attorney for Cheryl Perich who has
 intervened in this lawsuit with the Equal Opportunity
 Commission. I have a few additional questions
 including some additional background questions.
 You mentioned earlier that you were a witness

00047 in a Blue Cross Blue Shield case where you were called
 as a witness for deposition?
 A. Yes.
 Q. All right. Were you -- you were called as a witness,
 that's why you were being deposed?
 A. I was deposed first and then yes, I gave testimony in
 a rate hearing.
 Q. Okay. So the deposition was related to the rate
 hearing, right?
 A. Correct.
 Q. And that's what we're talking about, you were talking
 about administrator proceeding regarding rates?
 A. As a company we file rates to the -- I refer to them
 as OFIS, let me think if I can remember the acronym.
 Office of Financial Insurance Services. It's the
 State of Michigan governmental agency. During that
 process -- I don't -- I don't know what you mean by

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 18 Q. administrative --
 19 A. Somebody within the state rather than within the
 20 court?
 21 Q. Oh, yes.
 22 A. So I was an administrative agency --
 23 A. It was an administrative agency. It was a rate hearing
 24 overseen by the Office of Insurance Services.
 25 Q. Basically Blue Cross Blue Shield wanted additional
 00048
 1 rates or increase in rates --
 2 A. Correct.
 3 Q. -- and the state is deciding whether or not to allow
 4 that, right?
 5 A. Yeah.
 6 Q. Fair enough. What is your job with Blue Cross Blue
 7 Shield? What do you do?
 8 A. My title is director of actuarial services. I have
 9 three areas reporting to me, we do the annual
 10 statements, we do the -- we determine the actuarial
 11 liability for the annual statements, we do financial
 12 projections for the corporation, and we review the
 13 health care trends. Those are the three areas. I --
 14 Q. Have you --
 15 A. I was involved in this rate hearing not in one of the
 16 jobs that I currently hold or one of the areas that
 17 currently reports to me. I was new to the company, I
 18 had some background in rate filings, I was asked to
 19 take on the individual rate filing, so I oversaw that
 20 process.
 21 Q. Have you been trained as an accountant?
 22 A. No.
 23 Q. You have a college degree, I take it?
 24 A. I do. In mathematics.
 25 Q. All right. I know Mr. Weaver asked you initially or
 00049
 1 at the beginning of his questions as to whether or not
 2 you reviewed documents for purposes of this
 3 deposition. Do you recall that question?
 4 A. Yes.
 5 Q. Specifically what documents did you review for
 6 purposes of this deposition?
 7 A. There's documents that our legal staff gave me to
 8 prepare for the deposition that I gave in September.
 9 Basically it's what you should do to answer the
 10 questions, be -- I mean, the first one is be truthful,
 11 dress appropriately, you know basically just kind of
 12 guidelines of what to expect and how to -- how to
 13 appropriately answer.
 14 Q. All right. Specifically you referred to your legal
 15 staff. What -- who is your -- or what is the legal
 16 staff?
 17 A. Oh, Blue Cross Blue Shield legal staff.
 18 Q. Okay. So you --
 19 A. Oh, it has nothing -- no, we have no legal staff.
 20 Q. For the deposition today -- and maybe I'm getting
 21 confused. For the deposition today, what documents
 22 did you look at for preparing for this deposition
 23 today?
 24 A. Just the information that Blue Cross Blue Shield's
 25 legal counsel gave me to prepare for the other
 00050
 1 Page 21

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 00050
 1 deposition.
 2 Q. I see, I --
 3 A. It's just a general document about --
 4 Q. Somebody gave you instructions before so you decided
 5 it'd be a good idea to look at those instructions for
 6 this?
 7 A. Yeah, what to expect, you know.
 8 Q. Fair enough. So you haven't looked at such things as
 9 the complaint or these meeting minutes or anything
 10 like that that we've talked about today?
 11 A. About a month or so I met with -- with Deano and we
 12 reviewed --
 13 MR. WARE: Okay. He's only asking you what
 14 you reviewed to prepare for the deposition.
 15 A. Okay, I didn't -- I didn't review anything
 16 specifically for the deposition.
 17 BY MR. ROACH:
 18 Q. Okay. So that -- the review of documents, I don't
 19 want to ask about the conversations you had with Mr.
 20 Ware, but then as to that prior review of documents,
 21 that wasn't anything to do with this deposition today.
 22 A. In that meeting I learned that depositions were going
 23 to be -- going to be had.
 24 Q. Do you recall what documents for the purposes of that
 25 may be?
 00051
 1 A. There was one having to do with our offer. And off
 2 hand I was trying to remember -- we had a budget
 3 meeting earlier in the week, Monday, and for that I
 4 was trying to remember, you know, what even the offer
 5 was. I could not put my hands on that document. But
 6 anyways, he -- Deano shared with me the offer with the
 7 question --
 8 MR. WARE: Well, don't tell --
 9 THE WITNESS: All right.
 10 MR. WARE: -- what my question.
 11 THE WITNESS: I'm sorry.
 12 MR. WARE: Just the document, he just wants
 13 to know the documents.
 14 THE WITNESS: All right.
 15 A. I don't recall any other documents that I -- that I
 16 got.
 17 BY MR. ROACH:
 18 Q. Are you aware of the fact that some documents have
 19 been produced to the EEOC and to my office as well
 20 regarding this case through Mr. Ware?
 21 A. Yes.
 22 Q. Did you assist at all in putting together those
 23 documents?
 24 A. No, I did not.
 25 Q. Did you ask anybody within the church or the school to
 00052
 1 gather up documents?
 2 A. No, I did not.
 3 Q. Do you know who was designated to gather documents?
 4 A. No, I don't.
 5 Q. Same question as to the interrogatory answers that we
 6 looked at earlier in the deposition today that's been
 7 marked as Exhibit 1, did you assist at all with the --
 8 A. No. I've never seen that. I did not assist.
 00053
 1 Page 22

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 9 Q. Do you have any information as to who assisted with
 10 that information?
 11 A. No, I do not.
 12 Q. Have in the past any --
 13 A. Let me -- let me -- I may have had a phone
 14 conversation about specific questions like who -- who
 15 should be put in for -- for this. The one that I -- I
 16 kind of smelt at was number two, who's responsible
 17 or to produce testimony in any financial condition. I
 18 don't -- I don't serve in any of the financial
 19 positions of our congregation, but I do put together
 20 the budget and I'm aware of our financial condition
 21 and somebody may have asked me should we put you in
 22 there or who should we put.
 23 So I knew this was -- I knew this was going
 24 on. I believe -- again, I speculate that -- that a
 25 Mr. Cush was -- was leading that or might have been
 00054
 1 the school board.
 2 Q. We have been -- we received these documents that were
 3 produced to Mr. Ware that's labeled Hosanna Tabor
 4 financial information.
 5 A. Ah, reminded me, yes, I did prepare.
 6 Q. Did you prepare these -- I assume it was in a computer
 7 program -- but this financial budget information?
 8 A. Yeah, this is my document. This is my document that I
 9 prepare for the budget.
 10 Q. Okay.
 11 A. This is a report from our financial secretary of the
 12 giving. I may have given this to Deano. I don't -- I
 13 don't remember.
 14 Q. What -- where do you get the information from for
 15 putting in these numbers? For instance, the plate?
 16 A. The financial information?
 17 Q. Yeah.
 18 A. Every Sunday the financial secretary and the counters
 19 count the money, put it into the -- into the bank,
 20 produce this report.
 21 Q. Okay.
 22 A. I mean, it's -- it's a weekly report that tallies
 23 this.
 24 Q. Two years ago, if you know, we -- well, first off,
 25 let's point to a different number here or a specific
 00055
 1 number. On this document that refers to have a list
 2 of revenues where it says total receipts \$507,606 at
 3 the bottom?
 4 A. Yes.
 5 Q. Is that an accurate figure to your knowledge?
 6 A. Yes.
 7 Q. All right. Is that for last year?
 8 A. No, it would have been year to date October 2007. I
 9 mean, at least I -- that's the representation.
 10 Q. Based on when -- maybe we need to look -- well, here's
 11 some profit and loss statements from January through
 12 December 2006, maybe this will be helpful. What I'd
 13 like you to do is to look at these documents and
 14 compare the year 2006 to the prior year, 2005, as far
 15 as the amount of revenues.
 16 A. This is -- this is not revenue, this is expenses.
 17 Q. Okay.
 00056
 1 Page 23

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 18 A. Okay. So in 2006 the annual number was 504,000 of
 19 which we borrowed 25,000 and then these others -- we
 20 really have two pieces of our receipts. We have money
 21 that's brought into -- to support the operation of
 22 the church which includes the -- the weekly
 23 contributions by our members plus the tuition plus
 24 other giving that is deemed for budget purposes. Then
 25 we have other things that are more or less
 00055
 1 pass-through items. People are contributing towards a
 2 specific -- a specific non-budget item. Our school
 3 chapel, for instance, it goes to -- to a mission. So
 4 we collect the school chapel from the school children,
 5 it goes through our books, but it goes out to a
 6 mission.
 7 Q. Do you recall my question?
 8 A. Oh, you wanted me to compare --
 9 Q. 2006 and 2005.
 10 A. I do not have a total for 2007.
 11 Q. Actually 2005. Do you recall whether or not there
 12 is -- you received more money in 2006 than you had --
 13 than the church had in 2005 or vice versa?
 14 A. Generally our receipts are going down each year, so
 15 did we receive more in 2007 -- I mean in 2005 than we
 16 received in 2006, I don't specifically remember that,
 17 but I would -- I would think that it -- we are
 18 receiving less now.
 19 Q. Okay. 2007 though was better than, as far as revenues
 20 go, than 2006, right?
 21 A. Not that I'm not true.
 22 Q. Let's look at 2006.
 23 A. If it includes the borrowing -- in 2007 we borrowed
 24 \$121,000.
 25 Q. Oh, is that right?
 00056
 1 A. -- to stay afloat.
 2 Q. Okay.
 3 A. And we're planning to borrow almost -- not almost
 4 that, but another 70,000 in this next fiscal year.
 5 Q. Is there any financial support from any other entity
 6 other than church members?
 7 A. No. Well, tuition. I'm sorry.
 8 Q. Tuition?
 9 A. Tuition from members and non-members, whoever sends
 10 their children to the school. Day care, we have
 11 income from day care --
 12 Q. All right.
 13 A. -- aftercare, latchkey. These are our basic -- okay,
 14 I take back. We do participate in a program that is
 15 sponsored by an insurance company, Thrivent. I don't
 16 even know their correct name, Thrivent Financial
 17 Services. I don't know, but anyways they have a
 18 program -- they have a program that will -- will in
 19 some ways support Lutheran schools, but it is -- it is
 20 based on contributions to the school by their
 21 membership, Thrivent's membership, and they'll match
 22 half of that up to \$300. I know that was all
 23 confusing. But basically it's a program. They are --
 24 they are a fraternal organization and part of their
 25 charter is to support Lutheran causes.
 00057
 1 Page 24

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00057
1 Q. Okay. So they -- and you said it was perhaps \$300
2 for, what, last year?
3 A. No, for a member.
4 Q. For a member.
5 A. We actually got about \$12,000 last year from that
6 program.
7 Q. Do you get any funds from the senate?
8 A. No.
9 Q. Does the church get anything from the Michigan
10 District of the senate?
11 A. No. The only support we get from them is in an
12 advisory capacity. They allow their staff to help us
13 with programs, advice and that kind of thing. We are
14 just working with an advisor from district that helped
15 us put together our mission and vision and goal
16 statements for the year --
17 Q. I want to get --
18 A. -- no, we have no money.
19 Q. I want to get more in depth into that, but right now I
20 was just asking about money. Jumping to a different
21 topic, so we're not both getting confused. To your
22 knowledge has any claim, charge or any other demand or
23 lawsuit, whatever the case may be, that has been filed
24 or sent to the church regarding an employment issue?
25 That was probably a convoluted question. I can

00058
1 A. rephrase if you like.
2 I -- I can't -- I can't recall any -- any other
3 claims.
4 Q. All right. Then let's just take it a level down. Has
5 anybody who is employed or associated with the church
6 or the school who have complained about discrimination
7 or civil rights issues?
8 A. No, not that I'm aware of.
9 Q. Just to clarify, I think you told us about voters?
10 A. Correct.
11 Q. Voters is, what, a subclass of congregation members?
12 A. Correct.
13 Q. You've repeatedly stated in your testimony that a
14 decision was being put up to vote --
15 A. Correct.
16 Q. -- by the congregation. That's not quite accurate, is
17 it? Because really what you are asking about is the
18 voters to vote on the particular issues; is that
19 right?
20 A. That's correct. Just terminology. That -- every
21 adult member is eligible to be a voter. So you say
22 you put it out to the congregation, every one in the
23 congregation is eligible to come and participate.
24 Q. To become a voter?
25 A. To become a voter.

00059
1 Q. All right. Before you -- if I, for instance, joined
2 the church, I would have to, in essence, apply for and
3 get approved to act as a voter, correct?
4 A. No. It's easier than -- you come to a meeting and we
5 accept you.
6 Q. All right.
7 A. So it's basically the first part of every one of our
8 regular congregational meetings, are there any new

Page 25

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members, are there any new participants, and if so, we
10 accept them as voting members.
11 Q. Why would you have the difference? Why is there a
12 difference between just asking everybody in the
13 congregation to vote?
14 A. I think the difference is that if it's a special
15 meeting and there is a particular topic that's going
16 to be discussed, that people who have had no interest
17 in the past would -- would come and -- and sway the
18 vote one way or the other. I think that -- I don't --
19 I didn't write the constitution. I was -- I was in
20 office when we -- when we did the -- when we did our
21 new constitution.
22 Q. Okay. On April 10th, 2005, there was a meeting of the
23 voters regarding Mrs. Perich's call, correct?
24 A. I believe that was the date. I don't --
25 Q. Did you understand that Mrs. Hoeft had called

00060
1 particular voters to attend that meeting?
2 A. I did not know that, no.
3 Q. Do you have any knowledge whatsoever as to how notice
4 was provided as to this meeting taking place?
5 A. We are required to give -- it has to be in the worship
6 service that a special meeting is being called, so
7 that is the only requirement as far as notice of a
8 special meeting.
9 Q. In the past has the congregation or the voters ever
10 voted on rescinding a call? An involuntary rescinding
11 of a call?
12 A. Not that I remember, no.
13 Q. And you've been there how long?
14 A. I've not -- I've not been in that type of a position.
15 I've been president maybe 10, 12 years.
16 Q. You were in what position before that time?
17 A. I was -- I'm trying to remember the sequence of
18 events. I was head of the stewardship board prior to
19 that for maybe four years maybe. I was an elder
20 before that.
21 Q. Okay.
22 A. So --
23 Q. So the -- the --
24 A. I don't remember; since I've been --
25 Q. Determination?

00061
1 A. -- since I've been out of college, which is 30 some
2 years, I don't remember a -- rescinding at all.
3 Q. Or, in essence, firing somebody?
4 BY MR. ROACH: MR. WARE: I'm going to object as to --
5 Q. You can answer.
6 Q. MR. WARE: I'm going to object as to the --
7 what's the word I'm looking -- as to the
8 characterization of --
9 MR. ROACH: I think firing is a --
10 A. Typically -- typically what happens is a discussion is
11 had to -- to get a peaceful release, if it is a call
12 position. We have done that. There have been --
13 there have been occasions where we have -- we have
14 asked for a peaceful release and it was granted.
15 Contract teachers, I think -- I don't know whether
16 we've -- I think the contract goes for a year or
17 Page 26

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A. And I was at the two congregational meetings where it
1 was discussed.
2 Q. And you were asked also to meet with Mrs. Perich
3 with Mr. Salo prior to the February 13, 2005 meeting,
4 correct?
5 A. I don't -- I don't remember that meeting.
6 Q. Did you ever write down any notes as to what happened?
7 A. I may have.
8 Q. Do you have those notes?
9 A. Oh, my gosh. My organizational skills are not real
10 well.
11 Q. Well, we're going to be --
12 A. I may --
13 Q. -- requesting those documents so if they do exist
14 we'll request copies of those just to give you a heads
15 up. In addition, do you use e-mail?
16 A. I do.
17 Q. Have you printed out e-mails in the past or keep
18 e-mails regarding certain subjects on your computer?
19 A. My e-mails from home I could review to see
20 what -- what is there. Most things I got, I got at my
21 workplace.
22 Q. Okay.
23 Q. And I am no longer at the -- at the firm I was at the
24 time that this was going on, so I don't have those
25 e-mails.

00065
1 Q. Okay. I guess I got lost. At your prior firm?
2 A. Yes.
3 Q. Now at Blue Cross Blue Shield?
4 A. No. I've been at Blue Cross two years.
5 Q. Okay. What did you -- where were you employed before
6 that?
7 A. Gabrielle Roeder Smith & Company.
8 Q. Is there an internal e-mail communication system
9 within the church and/or the school?
10 A. All the -- all the teachers have an e-mail address, so
11 I guess that's internal.
12 Q. But do you know whether or not e-mails are saved?
13 A. I have no idea.
14 Q. Any back-ups?
15 A. I do not know that.
16 Q. Who would we talk to about asking that? Who takes
17 care of the communication system?
18 A. Richard Somerset is the one that does most of our
19 computer -- computer work.
20 Q. He's a member?
21 A. No. He's a -- his children are in the school.
22 Q. Somerset?
23 Q. Set.
24 Q. Somerset?

00066
1 A. S-u-m-m-e-r-s-e-t-t maybe. I don't know.
2 Q. Okay. If you look at Exhibit 2, Mr. Weaver was asking
3 you about some of the attachments. The third page
4 it's labeled or entitled Hosanna Tabor disability
5 policy.
6 A. Oh, okay.
7 Q. And this was attached to those meeting minutes and was
8 discussed during this meeting on January 30th, 2005.
Page 28

00062
1 A. Yeah, that's probably fair.
2 Q. Okay. As to these voters meetings -- well, actually
3 we only know of one now -- regarding this Ms. Perich,
4 the vote to terminate her employment, who determined
5 who get to -- who was able to vote?
6 A. People -- people sign in to the -- to the assembly and
7 we don't, you know, we don't validate, you know, are
8 they -- are they a member or whatever.
9 Q. To your knowledge do some of those people who attended
10 had not been there for awhile as far as attending the
11 church?
12 A. Oh, I have -- I have no idea.
13 Q. Okay.
14 A. We -- we do have meetings that get more attention than
15 others.
16 Q. Through Mr. Ware's office we received several meeting
17 minutes, copies of meeting minutes. I believe there
18 is the January 30th, 2005 shareholder meeting and also
19 the minutes for the April 10th, 2005 meeting regarding
20 the voters, correct?
21 A. Uh-huh.
22 Q. Do you know the documents I'm talking about, those
23 minute --
24 A. I have not reviewed them. I know that they
25 exist.

00063
1 Q. I believe we looked at one of those.
2 A. We looked at the January --
3 Q. All right. Are there any other meeting minutes to
4 your knowledge that were drafted or prepared or any
5 other notes regarding meetings that -- in which Mrs.
6 Perich was discussed?
7 A. I assume there are school board minutes, but I --
8 I don't get copies of those.
9 Q. All right. So if we want to see what was taking place
10 in these meetings, the school board meetings, we would
11 need to look at those school board meeting minutes
12 then, correct?
13 A. Yes.
14 Q. Who do we look for? I mean, who has those meeting
15 minutes?
16 A. I don't know. We just -- we just changed chair people
17 or chairperson. I -- I don't know where they -- where
18 they reside.
19 Q. Okay. You were involved, at least to some extent,
20 regarding Ms. Perich's employment, correct?
21 A. I assume I presided over the meeting when we called
22 Mrs. Perich, although there have been times when
23 I haven't been able to be at a meeting. I was at
24 several school board meetings when that was discussed.
25 Q. And --

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9 A. correct?
 10 A. I -- I assume it was.
 11 Q. Okay. Well, if you look at the page before, going to
 12 item number 11 where it says report on revised
 13 disability policy, refer to attachment, Jim Pranschke,
 14 that's you, right?
 15 A. Yes.
 16 Q. All right. Reviewed the policy with attendees?
 17 A. Yes.
 18 Q. Are you referring to this?
 19 A. Yes.
 20 Q. Other thing?
 21 A. Yes.
 22 Q. Is this a new or revised policy?
 23 A. It would be a revised policy.
 24 Q. Why is it being changed, to limit the amount of time a
 25 person would be able to obtain a disability?

00067

1 A. compensation or payments?
 2 Right off hand, I can't -- I can't remember what --
 3 what the change was in this.
 4 Q. Do you have a copy of the prior policy?
 5 A. I may.
 6 Q. Okay. Looking at Exhibit 2 again, first page, it says
 7 in item No. 9, it says request from Jim Hoeft to
 8 change call to a contract, Jim Pranschke, letter
 9 submitted by Jim Hoeft attached and I don't remember
 10 seeing anything attached. And is some unanimous vote
 11 to accept Jim Hoeft's request to be a contract
 12 teacher. Is that accurate, what's written in there?
 13 A. Yes.
 14 Q. Jim Hoeft is Stacey Hoeft's husband, son?
 15 Relationalship?
 16 A. Brother-in-law.
 17 Q. Brother-in-law, all right. So Jim Hoeft was a call
 18 teacher?
 19 A. Correct.
 20 Q. Why is there being a change as to Mr. Hoeft's status?
 21 A. It was advantageous to him not to have to pay his
 22 Social Security tax.
 23 Q. All right. Prior to this meeting date did you know --
 24 or actually going back to December the year before
 25 isn't it to your knowledge that Ms. Hoeft was told by

00068

1 Ms. Perich that she was going to be able to return to
 2 work within two months?
 3 MR. WARE: Objection, hearsay. You can
 4 answer if you want to.
 5 A. My recollection of the discussion was that often Ms.
 6 Perich gave the information that she was going to be
 7 returning to work shortly. Shortly came and she did
 8 not return. Then another date was given, another
 9 diagnosis, another -- and it seemed like it was very
 10 uncertain that the information we were getting was --
 11 was correct or could be relied on.
 12 BY MR. ROACH:
 13 Q. Does that mean that you were told that Ms. Perich
 14 would be able to return to work within two months back
 15 in December of 2006?
 16 A. I don't remember that specifically. I remember that
 17 in the conversation of -- in that school board meeting

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18 it was clear that -- that we really had no clear idea
 19 of when, if ever, Ms. Perich would be able to return
 20 to work.
 21 Q. But isn't it true that Ms. Perich told you I believe
 22 within three days before the January 30th meeting that
 23 she was, in fact, going to be able to return to work
 24 in approximately two to three weeks?
 25 MR. WARE: I'm going to object as to the form

00069

1 of the question. When you say you, are you referring
 2 to somebody at the organization or his personal life?
 3 MR. ROACH: The organization.

4 BY MR. ROACH:

5 Q. That somebody told you that Ms. Perich informed Ms.
 6 Hoeft that Ms. Perich will be able to return to work
 7 within two to three weeks later, is that correct?
 8 A. I don't -- I don't remember that specifically, no.
 9 Q. When you say specifically, I just want to make sure we
 10 have everything covered. Who told you at least right
 11 before this meeting as to what her status would be as
 12 far as returning to work?
 13 A. I didn't -- I don't know that I knew what her status
 14 was prior to this meeting.
 15 Q. Wouldn't you want to know what her status is before
 16 we make decisions or make recommendations as to what
 17 should happen with her disability leave?
 18 A. No. We had talked about it at the school board
 19 meeting that the information that was being provided
 20 was unreliable, that it was -- it was said we're going
 21 to return to work, she would return to work in a
 22 month, in two weeks, you know, and it varied.
 23 Q. All right. So basically --
 24 A. And the diagnosis changed and -- and the treatment
 25 changed and there was always new treatment and a new

00070

1 hope and information that they were going to -- she
 2 was going to return to work. She did not.
 3 Q. All right.
 4 A. And so it was -- it was very unreliable.
 5 Q. All right.
 6 A. So even if she did provide that information, it would
 7 have been deemed unreliable.
 8 Q. In other words, if even if she told Ms. Hoeft that she
 9 was going to return to work in two or three weeks,
 10 nobody believed it? You didn't believe her?
 11 A. I don't know that it was provided, so I don't --
 12 Q. All right. Have you ever discussed -- have you ever
 13 talked with Bruce Braun?
 14 A. Never specifically about this. I may have had a
 15 conversation. He took over for George Locke. I
 16 always get in trouble with these time frames because
 17 it's always longer ago than I thought, but within the
 18 last two years I think I may have talked to him
 19 briefly at some kind of gathering, but never in an
 20 official capacity I don't think I've ever talked to
 21 Bruce.
 22 Q. To your knowledge has anyone from the school or the
 23 church had discussions with Bruce Braun regarding Ms.
 24 Perich?
 25 A. I don't know that for sure.

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00071 1 Q. Do you know why draft letters to Ms. Perich are in the
 2 Michigan District's files?
 3 A. No, I do not.
 4 Q. Is there any reason why Stacey Hoeft would be having
 5 conversations with Bruce Braun at Michigan District
 6 regarding Cheryl Perich?
 7 A. We would -- we at times do offer their -- I mean, I
 8 mentioned this before that we get advice from our
 9 district office.
 10 Q. Okay. Maybe now we're getting somewhere. So the --
 11 the church does get advice from the Michigan District?
 12 A. When we request, yes.
 13 Q. All right. Regarding human resource issues?
 14 A. I --
 15 Q. Personnel issues?
 16 A. I don't know what specifically we've asked. I know
 17 specifically we used district resources with our
 18 vision and mission and goals.
 19 Q. So who would right or how would you get assistance
 20 from Michigan District?
 21 A. Call and ask.
 22 Q. How is that available to the church?
 23 A. We're all part of the same -- same senate, that's
 24 services they offer to congregations in the Michigan.
 25 Q. Does the church pay dues or fees to the Michigan

00072

1 District?
 2 A. We give -- we give contributions to them. It is
 3 not -- it is not a hard and fast contribution. I
 4 mean, it's not -- it's not dues, per se.
 5 Q. Okay.
 6 A. It's similar to what our members -- our members give a
 7 donation when they come to church on Sunday and we in
 8 turn take a portion of that and send it to district,
 9 district in turns takes a portion of what they receive
 10 and sends it to senate. That's how -- that's how the
 11 organizations are supported.
 12 Q. I believe Mr. Weaver asked you about a school board
 13 meeting on February 13th, 2005 regarding Ms. Perich,
 14 correct?
 15 A. Uh-huh.
 16 Q. All right. And this was a school board meeting,
 17 right, on February 13th, 2005?
 18 A. I believe so, yes.
 19 Q. So the people who would be there would be, in addition
 20 to yourself, there'd be Kurt Ostrander?
 21 A. I have no idea who was at that meeting. Not
 22 everybody --
 23 Q. Sheila Simpson?
 24 A. Not everybody attends those meetings.
 25 Q. Stacey Hoeft you don't have a clue --

00073

1 MR. WARE: Objection, asked and answered.
 2 BY MR. ROACH:
 3 Q. Ms. Stacey Hoeft, was she there?
 4 A. I believe she was there, yes.
 5 Q. Do you have any recollection as to how big the meeting
 6 was, who was allowed to attend?
 7 A. No, I know that Mr. Salo was there and Mrs. Hoeft.
 8 Other than that, I would -- I would just be

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9 speculating who else was there.
 10 Q. Do you recall that someone asked whether Ellen Mills
 11 would be able to attend even though she's not a member
 12 of the school board and you were -- you responded
 13 that she would not be allowed to attend. Do you
 14 recall that?
 15 A. I remember reading that in the -- in this document. I
 16 seem to have a recollection of that request being
 17 made.
 18 Q. By you?
 19 A. By me?
 20 Q. Yeah.
 21 A. That I requested that Ellen --
 22 Q. That Ellen Mills would not be allowed to attend.
 23 MS. PERICH: It wasn't requested by him, it
 24 was requested to him.
 25 A. That seems reasonable that I would have decided that.

00074

1 BY MR. ROACH:
 2 Q. Okay. Do you recall some of the other -- some of the
 3 comments that were made during that meeting by the
 4 school members regarding whether or not Ms. Perich
 5 would be able to return to work notwithstanding what
 6 her doctor said through the doctors -- her doctor's
 7 return to work slip, correct? Do you recall those
 8 comments?
 9 A. I don't recall specific comments.

10 Q. Well, let's bounce a couple off of you. Do you recall
 11 Stacey saying that she didn't understand how -- how
 12 Ms. Perich could be responsible for a classroom of
 13 children if she wasn't even allowed to drive?
 14 A. I remember hearing that comment. I don't know if it
 15 was at that meeting.

16 Q. Okay. Do you remember the comment that -- with Sheila
 17 saying I have a medical background and I know that you
 18 have to be without symptoms for at least three months
 19 before you can be sure that the medicine is working
 20 well enough to know that you won't have symptoms
 21 again. You can be in front of those children and pass
 22 out, that would scare them. Do you recall that
 23 comment?
 24 A. I remember that comment. I don't know, again, whether
 25 it was in that meeting. I have -- I mean, I have

00075

1 conversations with all these people at -- many times.
 2 Q. Isn't it true that during the course of this school
 3 board meeting that Ms. Perich wanted to return to work
 4 and was passing -- passing out copies of the return to
 5 work and saying that she will be allowed to return to
 6 work without restrictions?
 7 A. I don't remember the details of all that. I know that
 8 she did express a desire to return to work.
 9 Q. All right. Did she review the letter that was sent to
 10 Ms. Perich later saying that the board of directors is
 11 going to recommend to the church the termination of
 12 her employment?
 13 A. I have read it. I don't think I -- I reviewed it
 14 before it went out.
 15 Q. Did any -- was anybody -- was it necessary -- let me
 16 strike -- start over. Was it necessary for anyone to
 17 approve this letter before it was being sent out?
 Page 32

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 18 A. I think it was discussed at a school board meeting
 19 that I was in attendance, that that meeting -- that
 20 letter was to be drafted and sent out.
 21 Q. So there should be minutes for that meeting, right?
 22 A. I'm assuming so, yes.
 23 Q. Okay.
 24 A. MR. ROACH: Let's go ahead and mark that for
 25 me, please.

00076
 1 MARKED BY THE REPORTER
 2 DEPOSITION EXHIBIT NUMBER 5
 3 4:49 p.m.
 4 (Off the record at 4:49 p.m.)
 5 (Back on the record at 5:12 p.m.)

6 BY MR. ROACH:
 7 Q. I believe where we left off was with this letter
 8 that's been marked as Exhibit 5. And I can't remember
 9 specifically where we left it, but let me go at it
 10 anyway. Did you review this letter before it was
 11 being sent to Ms. Perich?
 12 A. I was involved in the conversation that this was going
 13 to be drafted, but --

14 Q. All right.
 15 A. -- no, I did not review this.
 16 Q. Do you see anything in this letter that is not
 17 accurate?
 18 A. No.

19 Q. As of the January 30th, 2005 shareholder meeting,
 20 there had not -- the church had not hired a
 21 replacement for Ms. Perich yet, correct?
 22 A. I don't know that. I -- I -- my recollection was that
 23 there was someone going to take over when -- when
 24 the -- the holiday break was over.
 25 Q. Okay. Well, up to -- at some point at least there was

00077
 1 no replacement or substitute that was hired, correct?
 2 A. Yes, it was anticipated that Ms. Perich was going to
 3 return to work.

4 Q. All right. I believe, if we look at the January 30th,
 5 2005 meeting minutes, we look at the last page, number
 6 two, the last -- the bullet point?

7 A. Uh-huh.
 8 Q. It states it is important to the school's operation
 9 that Ms. Perich ask for people (sic) release from her
 10 call to facilitate the search for a replacement. Do
 11 you read that to understand that Mrs. Replacement
 12 (sic) had not been hired to re --
 13 A. That -- that seems to imply that.

14 Q. Okay.
 15 A. I don't remember those facts exactly.
 16 Q. Is it true that a recent graduate from Concordia was
 17 hired?
 18 A. Oh, I have no idea who was hired. That was a long
 19 time ago.
 20 Q. So you have no clue as to --

21 A. I -- I do not know, no.

22 Q. So you don't know whether or not the person they hired

23 was a called or a contract employee as opposed to a

24 call employee?
 25 A. I'm fairly confident we would have had a contract.

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 00078
 1 Q. All right. And when you called those folks as being
 2 contract employees, is there in fact a contract with
 3 these people? The hires?
 4 A. That didn't make sense, you don't it? I don't know that
 5 for sure. I don't know if -- if there is a formal
 6 document. Again, I assume there is.
 7 Q. Does the school or the church have personnel files?
 8 A. I believe so, yes.
 9 Q. All right. So if we wanted to find or obtain the
 10 personnel file for this employee that was hired in
 11 January or February or April, whatever the case may be
 12 in 2005, we'd get that personnel file and see who it
 13 is and a copy of the contract and all that?
 14 A. I would imagine. I've never seen what the contents of
 15 a personnel file is. I've had no reason to review any
 16 contract or personnel file.
 17 Q. You'll recall my testimony -- and it went for a
 18 little while and maybe I was a little confused at the
 19 end -- Mr. Weaver asked you about a conversation
 20 you may have had with Ms. Perich after that -- the
 21 time she returned to work on February 22nd, 2005,
 22 correct?
 23 A. He asked me about a conversation --
 24 Q. Actually, let's strike that. Not -- after the
 25 February 13th, school board meeting.

00079
 1 A. I believe I said I didn't know when the meeting --
 2 when call was.
 3 Q. All right.
 4 A. And -- and I'm not -- I mean, the more we talk about
 5 it I think it did occur, but I don't remember.
 6 Q. Well, maybe we can refresh your recollection as to the
 7 substance of that conversation. Did you in fact
 8 discuss with her about Ms. Perich going back to her
 9 doctor and asking the doctor to put her on disability?
 10 A. Did I initiate this call or did she did Ms. Perich?
 11 Q. As I understand it, she did, but I'm not certain.
 12 A. Okay. I don't -- I don't remember the detail of that.
 13 Q. Okay. Well, even if you don't remember the detail so
 14 to speak, did you have a conversation with Mrs. Perich
 15 about her going back to her doctor and getting the
 16 doctors to change the records so that she is not
 17 eligible to return to work so she can receive --
 18 A. Oh, no. I would have never sent a doctor to return to
 19 work.
 20 Q. Huh?
 21 A. I would have never said to change the record that she
 22 would not be eligible to return to work. That would
 23 not have been a discussion.
 24 Q. Well, what discussion would it have been?
 25 A. I don't -- I don't recollect asking her to go talk to
 her doctor. I do remember saying that we would try to

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 9 give some monetary if she would give a peaceful
 10 release. In other words, we would -- we would
 11 increase the offer that we had -- had made.
 12 Q. But that an increase in the offer or making it more
 13 generous, whatever the case may be, it was never put
 14 into writing after that date?
 15 A. I don't believe so, no.
 16 Q. This peaceful release, why is it called a peaceful
 17 release?
 18 A. Because it is contrasted to rescinding a call.
 19 Q. Peaceful means it's voluntary?
 20 A. Yes.
 21 Q. All right. Is there -- of course it's never happened
 22 before, so --
 23 A. Oh, no, peaceful releases are done all the time. If
 24 a -- if a teacher would accept a call to another
 25 congregation or a pastor --

00081
 1 Q. Okay.
 2 A. They would -- they would request a peaceful release
 3 from their call to Hosanna Tabor.
 4 Q. All right. Is there any documentation, like those
 5 with -- for peaceful release?
 6 A. Typically I think they would send a letter to request
 7 that.
 8 Q. So just basically means I resign?
 9 A. No. I request peaceful release from my call is what
 10 it would say.
 11 Q. I understand, but is it the equivalent of saying I
 12 quit or resign?
 13 A. No, because when a call, it's a relationship between a
 14 congregation and a -- and a member or a servant, so
 15 it's not -- I guess in the -- in the secular world,
 16 yeah, it would be a resignation.
 17 Q. Okay. So on April 10th, 2005 there was a vote taken
 18 by the congregation to terminate Ms. Perich's
 19 employment, correct?
 20 A. To rescind her call, yes.
 21 Q. Which is the equivalent of termination, right?
 22 A. MR. WARE: Okay. I'm going to object to
 23 argumentative because you keep doing the same thing.
 24 Every time he answers a question you recharacterize
 25 his answer. That's argumentative.

00082
 1 Q. MR. ROACH: I'll take the answer over the
 2 objection.
 3 BY MR. ROACH:
 4 Q. That's the same thing as voting for the termination?
 5 A. Rescinding the call is, again, severing the
 6 relationship that we have with this called servant.
 7 Q. All right. And her employment has been terminated,
 8 correct?
 9 A. But she hadn't been working anyways, but, yes.
 10 Q. Did you recommend to the voters that she be fired?
 11 A. MR. WARE: Objection, facts not in evidence.
 12 There was no recommendation that she be fired.
 13 Q. MR. ROACH: I'll take the answer over the
 14 objection.
 15 A. I presented the -- the recommendation from the board
 16 of directors. It might have been the school board, I
 17 don't remember which.

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 18 BY MR. ROACH:
 19 Q. So it wasn't your recommendation that you were
 20 presenting, it was the board of director's
 21 recommendations?
 22 A. I'm a member of the board of directors.
 23 Q. All right.
 24 A. No, it was not my personal recommendation.
 25 Q. All right. Was that -- so there was a decision made

00083
 1 A. of which you were a part of to --
 2 A. And I -- again, I don't remember -- I don't remember
 3 whether it was the board of directors that brought
 4 that motion to the congregation or if it was the
 5 school board.
 6 Q. Okay.
 7 A. But I was privy of it before we called a special
 8 meeting.
 9 Q. Maybe -- I was trying to follow the relationship
 10 between the board of directors and the school board
 11 and the congregation and the other boards. Do as the --
 12 does the school board provide recommendations as to
 13 whether providing a call or hiring an employee, a
 14 teacher?
 15 A. Yes.
 16 Q. What about the board of directors, do they provide
 17 recommendations as to --
 18 A. Typically it is a call committee that provides the --
 19 the slate of candidates basically. The process is
 20 you -- you ask districts for candidates that are --
 21 would meet you need as far as a call. Typically, I
 22 mean, we've had as many as nine candidates.
 23 Q. People who are eligible for a job?
 24 A. Yes.
 25 Q. All right.

00084
 1 A. And then the call committee -- often the call
 2 committee for -- for a teacher is made up of the board
 3 of directors and they are -- I mean not -- I'm
 4 sorry -- the school board and there may be other
 5 members at large but it is up to the school board
 6 to nominate that call committee. And if you are
 7 calling a pastor, it's the board of elders that serves
 8 that function.
 9 Q. All right. And I'm still confused so maybe we can
 10 clarify this. You have the board of directors?
 11 A. Correct.
 12 Q. Of which you were an ex-officio member, correct?
 13 A. No, board of directors I am a member.
 14 Q. You are member. Then you have the school board and
 15 you are an ex-officio member?
 16 A. Correct.
 17 Q. The call committee is a committee of which, the school
 18 board or the board of directors?
 19 A. I don't know the answer to that. It may be of the
 20 congregation.
 21 Q. So it's almost like a separate board but called a
 22 committee?
 23 A. It's not -- it's not a board, it's a temporary
 24 assignment and -- and typically -- so it's hard to --
 25 it's hard to separate, you know, what typically

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00085
 1 happens from what, you know, the constitution says.
 2 Typically the school board is instrumental in forming
 3 that call committee for a teacher.
 4 Q. All right. Maybe we can clarify it through Exhibit 3,
 5 isn't it? That's a actual copy, but is it Exhibit
 6 3? Looking at the April 10th meeting minutes.
 7 A. April 10th, I don't have those.
 8 MR. WEAVER: I don't think we marked those.
 9 MR. ROACH: Oh, okay. Well, let's mark it.
 10 MARKED BY THE REPORTER
 11 DEPOSITION EXHIBIT NUMBER 6
 12 5:29 p.m.

13 BY MR. ROACH:
 14 Q. Have you seen this document before?
 15 A. I believe so. I don't --
 16 Q. All right. Let's look number three on the first
 17 page. The first sentence says Cheryl Perich's call as
 18 a teacher at Hosanna Tabor Lutheran School dash Scott
 19 Salo. Under A it says Jim Pranschke. That's you,
 20 right?
 21 A. Uh-huh.
 22 Q. Summarized the events that led up to this meeting
 23 including several meetings he and Bob Cochran had
 24 attended, all right? So you were involved?
 25 A. I attended -- I didn't -- I told you I attended

00086
 1 several school board meetings.
 2 Q. Why is it when it says Scott Salo next to the line,
 3 the first line in number three, why isn't Scott
 4 providing a summary as to what events that led up to
 5 this vote instead of you?
 6 A. Probably as my role as president I -- I told the
 7 people what -- I summarized the events, that's --
 8 Q. Okay.
 9 A. Why did I do it versus Scott? I don't know.
 10 Q. Who is Bob --
 11 A. I tend to do those things.
 12 Q. All right. Who is Bob Cochran?
 13 A. He's our head elder.
 14 Q. There is a board of elders?
 15 A. Board of elders.
 16 Q. All right.
 17 A. Board of elders supervise the -- basically the worship
 18 service -- they are -- they are really the main --
 19 main board. They supervise the pastor who is the main
 20 head of the -- head of the church basically and
 21 ministry, the pastor is the head of the church. Since
 22 the board of elders supervises that, supervises the
 23 pastor, they have a -- a kind of a special role in a
 24 lot of the decisions and stuff that go on.
 25 Q. So would have the board of elders or did the board of

00087
 1 elders have involvement with the decisions made
 2 concerning Cheryl Perich?
 3 A. Bob I know attended the meetings, some of them, so he
 4 was there as an advisor to the -- to the board. He
 5 would not have had a vote.
 6 Q. Okay. Was the issue ever brought up before the board
 7 of elders?
 8 A. I -- I do not know that. I did not attend the board

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9 of elders meetings.
 10 Q. All right. Let's ask the same question regarding the
 11 board of directors. Was the issue of Ms. Perich ever
 12 brought before the board of directors?
 13 A. We did discuss with the board of directors, yes.
 14 Q. All right. At that point at end of or during the
 15 process of this meeting was there a determination or
 16 decision as to what should be recommended to the
 17 voters regarding Mrs. Perich's employment?
 18 A. The most we would have done was accepting the school
 19 board's recommendations. We would have -- in other
 20 words, we would not have stood in the way.
 21 Q. That's a pretty radical decision, isn't it, first time
 22 anybody has ever been -- a teacher has been having
 23 their call rescinded ever that you can remember?
 24 A. Uh-huh.
 25 Q. Isn't that unusual, something that the board of

00088
 1 directors would be looking into and saying well, wait
 2 a minute we're firing somebody?
 3 A. Well, it's not the first time that somebody has been
 4 asked to resign, to give peaceful release, so it --
 5 it -- I mean, we have -- we have a lot of employees,
 6 we have situations that -- that need to be -- to be
 7 dealt with. No, we don't -- we don't look into and
 8 scrutinize other -- other boards. The school board
 9 has its responsibility for that area of decision and
 10 often members would take their recommendations,
 11 especially since Bob Cochran, who is also on the board
 12 of directors, and myself, had attended the meetings.
 13 I mean, it didn't -- I don't -- I don't see your --
 14 your foundation for your question. It's --
 15 Q. Okay. Well, I guess what I'm getting into, and it's
 16 taking a long way for me to get there perhaps, what I
 17 was trying to determine as to who made the decisions
 18 other than the voters themselves? In other words, was
 19 it Scott --
 20 A. Who decided on the recommendation?
 21 Q. Yes?
 22 A. The school board.
 23 Q. The school board.
 24 A. The school board and it came to -- I'm fairly
 25 confident it came to the board of directors and we

00089
 1 said that's fine, go with -- go with your
 2 recommendation.
 3 Q. All right.
 4 A. And we call a special meeting. Because I have to
 5 call the special meeting.
 6 Q. Was there -- were there any presentations made to the
 7 voters regarding Cheryl Perich at this April 10th --
 8 in other words, other than yourself and Scott Salo,
 9 did anybody else speak regarding the issue?
 10 A. I don't -- I don't remember.
 11 Q. Was there any discussions or presentations provided by
 12 Mr. Ware?
 13 A. I don't believe so. I mean, people -- people have
 14 opportunities to ask questions and -- and state
 15 various things they know. Some school board members
 16 may have spoken. I don't remember that.
 17 Q. Earlier in response to Mr. Weaver's questions you

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00090
 1 Q. described what you learned to know about Mrs. Perich
 2 returning to the school on February 22nd after the
 3 expiration of her return. I believe you said that
 4 there was a disruption, that was the word.
 5 A. Uh-huh.
 6 Q. Is that the word you used?
 7 A. Maybe. I don't recall. Do you want to see what I
 8 said?

00090
 1 Q. Well, I wrote here in quotation marks.
 2 A. That's all right. It can be characterized as that.
 3 Q. I'm just going after the characterization that you
 4 made because that's -- that was the statement that I
 5 heard but there was no details or anything else as to
 6 what constitutes a disruption or a problem or any
 7 other name you want to use. What specifically do you
 8 know that was an issue or problem as to Ms. Perich
 9 returning to the school on February 22nd, 2005?
 10 A. Well, I thought I was already established that I
 11 wasn't there so I was not witness to any of it.
 12 Q. Is she getting fired for this?
 13 A. For returning to the school?
 14 Q. Yes.
 15 A. No.
 16 Q. Number D or letter D under three, Scott Salo made it
 17 clear the reason why the school board is asking the
 18 voters to rescind Cheryl Perich's call is not because
 19 of her disability but because of her actions since
 20 February 22nd, 2005.
 21 A. And the main action there was threatening to sue.
 22 Q. Okay.
 23 A. That is not acceptable conduct of a call person. A
 24 call person there is -- there is a dispute resolution
 25 process that they are required to -- to go through.

00091
 1 Q. All right. So that was the issue rather than her
 2 showing up at the school?
 3 A. It might have been a combination of all those things.
 4 Q. Okay. Maybe you can clarify something for me. I
 5 I have sent a subpoena to the Missouri Lutheran
 6 Synod. I know it's a large one --
 7 A. Lutheran Church Missouri Synod.
 8 Q. That's the one. So I sent them a subpoena for
 9 documents and I received a phone call and the
 10 person -- she might have been an attorney, but she was
 11 affiliated with the synod -- told me that they don't
 12 know anything about Hosanna Tabor or Cheryl Perich.
 13 Is the relationship in fact between synod and Hosanna
 14 Tabor?
 15 A. Is there a relationship? We are members of the synod,
 16 yes.
 17 Q. So they should -- or not they -- it, the synod, should
 18 know about Hosanna Tabor?
 19 A. They do.
 20 Q. As a matter of fact, you get disability insurance
 21 through the synod, correct?
 22 A. Correct.
 23 Q. Are there any --
 24 A. The worker's benefit program, I believe that's a
 25 synodical program.

00092
 1 Q. The only reason that came to mind is when I was
 2 looking at the documents that were provided by Hosanna
 3 Tabor's attorney, Mr. Ware, it says worker benefit
 4 plans Lutheran Church of Missouri Synod and it was the
 5 same address, 1333 South Kirkwood Road, so it must be
 6 the organization, right?
 7 A. Uh-huh.
 8 Q. Are there any other services that are retained from
 9 the synod itself?
 10 A. They operate our seminaries and our colleges that
 11 train our teachers and pastors. They send
 12 missionaries to various parts of the world, so there
 13 is -- they -- they formulate policies and procedures
 14 that -- that we -- we can't accept, most often we
 15 accept as a congregation.
 16 Q. Okay.

MR. ROACH: All right. We're going to take
 half a minute, if you would, please?

(Off the record 5:41 p.m.)

(Back on the record at 5:48 p.m.)

MR. ROACH: I'm done with questions for right

now.

MR. WARE: I don't have anything.
 MR. WEAVER: I don't have any either, so --
 MR. ROACH: You are done.

00093
 1 Q. THE WITNESS: Okay.
 2 (The deposition was concluded at 5:48 p.m.
 3 Signature of the witness was not requested by
 4 counsel for the respective parties hereto.)

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 00094
 1 CERTIFICATE OF NOTARY
 2 STATE OF MICHIGAN }
 3 SS
 4 COUNTY OF OAKLAND }
 5
 6 I, Jodi L. Jones, a Notary Public in and for
 7 the above county and state, do hereby certify that the
 8 above deposition was taken before me at the time and
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 10 place hereinbefore set forth; that the witness was by
 11 me first duly sworn to testify to the truth, and
 12 nothing but the truth; that the foregoing questions
 13 asked and answers made by the witness were duly
 14 recorded by me stenographically and reduced to
 15 permanent transcript form; that this is a true, full and
 16 correct transcript of my stenographic notes so taken;
 17 and that I am not related to, nor of counsel to either
 18 party nor interested in the event of this cause.
 19
 20
 21
 22 Jodi L. Jones, CSR-6591
 23 Notary Public,
 24 Oakland County, Michigan
 25 My Commission expires: September 14, 2013

00095

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